IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 5919 of 1994

Between:

E.Bhagawan Das, S/o. LAte E.N.Das.
R/o. Nehrunagar E., Secunderabad.

..... PETITIONER

AND

The Municipal Corporation of Hyderabad, Rep. Deputy Commissioner,
Secunderabad Division, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ more in the nature of a Writ of Mandamus or any other appropriate writ order or direction declaring that the action of the respondent corporation in demanding property tax from the petitioner in respect of premises No.10-3-166 and 167 of Nehrunagar, Secunderabad, for the period 1976-77 and onwards and purporting to resort to coercive action for recovery of the tax amount for the said period is arbitrary and without jurisdiction and direct the respondent to forbear from demanding any amount from the petitioner except in accordance with the law.

Counsel for the Petitioner:MR.V.VENKATARAMANA, Advocate.

Counsel for the Respondent No.: GP FOR MUNCIPAL ADMN. & URBAN DEV (Not present).

The Court made the following :

ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for petitioner. Nobody for other side.

This Writ Petition has been filed seeking a direction that the respondent should not demand and recover the property tax from 1976-77 onwards. In the Writ Petition, no basis has been made to suggest that any demand was made which was time-barred, as no notices have been annexed with the Writ Petition. The notices, which have been annexed with the Writ Petition, pertain to years 1990-91 and 1993-94 only. However, one of the notices pertaining to the year 1990-1991, show some arrears as Rs.50,830.74 ps. This Court is not sure as to which year these arrears pertain. Counter has also not been filed.

In these circumstances, we dispose of this Writ Petition with a direction that the amounts, which are due legally from the petitioner, may be recovered in accordance with law. Period for which this Court had granted stay, shall not be included for the purpose of calculation of period of limitation. No costs.

(BILAL NAZKI, J)

19th August, 2004.

(S.ANANDA REDDY, J)

ajr

To

1 The Deputy Commissioner, Municipal Corporation of Hyderabad,
Secunderabad Division, Hyderabad.

2 Two C.Cs. to the GP for Municipal Administration & Urban Development,

High Court buildings, Hyderabad (O.U.T).

3 Two C.D. copies.